

APPEAL NO. 020954
FILED JUNE 6, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 29, 2002. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 18th quarter, from December 6, 2001, through March 6, 2002. The appellant (carrier) appeals, arguing that the hearing officer erred in determining SIBs for the 18th quarter. The claimant filed a response, urging affirmance.

DECISION

Affirmed.

Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The SIBs criterion in issue is whether the claimant attempted in good faith to obtain employment commensurate with her ability to work during the qualifying period for the 18th quarter. Rule 130.102(e) provides that an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts.

The hearing officer did not err in determining that the claimant made a good faith effort to obtain employment commensurate with her ability to work during the qualifying period for the 18th quarter of SIBs and that she looked for employment each and every week of the qualifying period for the 18th quarter. The carrier contends that the hearing officer improperly applied a "good cause" standard in determining entitlement to SIBs. However, review of the Decision and Order reflects that although the hearing officer stated that "good cause" was the standard for job search requirements, he emphasized in his discussion that he considered factors listed in Rule 130.102(e) in making a "good faith" determination. In addition, the hearing officer made a finding of fact that the claimant made a good faith effort to obtain employment commensurate with her ability to work during the qualifying period for the 18th quarter of SIBs. The hearing officer concluded that the claimant was entitled to SIBs for the 18th quarter. Further, the hearing officer did not err in determining that the claimant did not return to work as a direct result of the impairment from her compensable injury.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN MANUFACTURERS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
COMMODORE 1
SUITE 750
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge